

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA

v.

DARIN LEE MCALLISTER

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No. 3:10-cr-00138

Judge Nixon

ORDER

Pending before the Court is an order of remand for further findings of fact entered by the United States Court of Appeals for the Sixth Circuit (Doc. Nos. 129, 133), following an appeal by Defendant Darin Lee McAllister that included a *Batson* challenge to the Government's use of peremptory strikes against African-American jurors. *United States v. McAllister*, 693 F.3d 572 (6th Cir. 2012). Specifically, the Sixth Circuit remanded for the Court "to make explicit on-the-record findings as to whether McAllister established the existence of purposeful race discrimination in the selection of his jury, and whether his *Batson* challenge requires that his conviction be reversed." *Id.* at 582.

The Court hereby **ORDERS** the parties to **submit briefing** on (1) the *Batson* challenge and (2) proposed findings of fact regarding the *Batson* challenge that are based on the transcript of proceedings in the case, to be filed by **Friday, November 2, 2012, at 10:00 a.m.** The Court also **SCHEDULES** a hearing for oral arguments on this issue for **Tuesday, November 6, 2012, at 10:00 a.m.**

It is so ORDERED.

Entered this the 25th day of October, 2012.



JOHN T. NIXON, SENIOR JUDGE
UNITED STATES DISTRICT COURT